



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, FEBRUARY 28, 2006

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *P* *P* *P* *P* *P* *P* *P*
Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer

AGENDA APPROVAL

A MOTION WAS MADE BY RAY, SECONDED BY LIVENGOOD TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF FEBRUARY 28, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS) :

A-1. GENERAL PLAN AMENDMENT NO. 05-02/ZONING TEXT AMENDMENT NO. 05-04/ZONING MAP AMENDMENT NO. 05-02 (EDINGER CORRIDOR SPECIFIC PLAN)– Rosemary Medel

Rosemary Medel, Associate Planner, advised of late communications received from Caltrans, Weber Consulting, and Stanley Smalewitz, Director of Economic Development for the City of Huntington Beach.

Dingwall gave direction to the members of the public as to how the study session portion of the meeting works and that there will not be any interaction between the Commissioners and the public.

Commissioner Ray inquired if staff has responded to the late communications as of yet. Staff advised there was a brief response.

A-2. APPEAL OF ENVIRONMENTAL ASSESSMENT COMMITTEE (EAC) DECISION TO PROCESS MITIGATED NEGATIVE DECLARATION NO. 04-10 (HOME DEPOT) – Ron Santos

Santos provided an overview of the proposed project and the Environmental Assessment Committee's determination with respect to the Draft Mitigated Negative

Declaration. He stated that the Planning Commission could direct staff to have an Environmental Impact Report prepared. He advised the reports stated that the project would not have a negative impact on the environment; however, the Planning Commission would have a final determination on the environmental impacts on the project.

Discussion ensued regarding the application process. Mulvihill explained that the Planning Commission is to either approve continued processing of the Draft Mitigated Negative Declaration or require an Environmental Impact Report. If the decision of the EAC is not overturned by majority vote of the Planning Commission, the original EAC would stand.

Livengood advised his areas of concern which include: Traffic, noise and trucks entering and exiting the loading dock; noise study comparisons of Home Depot versus Kmart; and placement of loading docks.

Dwyer asked what studies were completed for the Walmart store. Staff advised a full Environmental Impact Report was prepared.

Dingwall questioned the distance between the north property line of the proposed project and the homes on the north side of Garfield.

Scandura and Burnett asked about conditions that could be set forth in the CUP prior to approval regarding noise issues and loading dock placement. Santos stated that the Planning Commission could impose conditions prior to issuance.

B. STUDY SESSION ITEMS - NONE

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Herb Fauland

Herb Fauland reviewed late communications received on Public Hearing Item No. B-1.

D. PLANNING COMMISSION COMMITTEE REPORTS - NONE

E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting):

Anthony Gaynair, resident, spoke in opposition of the Home Depot item. He advised he submitted a letter regarding items of inadequacy such as the traffic study. He suggested a car count study be conducted.

Britt Klingenberg, resident, spoke in opposition to the Home Depot item. He stated he would be submitting paperwork describing problems with the traffic analysis, the pedestrian study, comparison of Kmart to Home Depot, and the air quality study.

Kathy Klingenberg, resident, spoke in opposition to the Home Depot item. She discussed issues she felt were not adequately addressed such as: Child safety crossing at Magnolia and Hyde Park Dr.; time and day of week the pedestrian and child crossing study conducted; and the potential for day laborers gathering in a nearby park as the parking lot of Home Depot will be within 200 feet of the park.

Richard Pool, President of Associated Traffic Engineers, spoke on behalf of Home Depot. He advised he prepared the traffic analysis report and then proceeded to explain how it was prepared. He stated the size increase of the new store was considered and the analysis was based on the traffic volume of Kmart in 2004 and then was increased with the additional traffic volume of an already existing Home Depot store.

Donald Ballanti, Air Pollution Meteorologist and author of the Air Quality Study for the Home Depot project. Mr. Ballanti referred to items in the report regarding diesel exhaust from mobile sources such as trucks. He advised there would be a relatively low number of trucks delivering and idling in the area. He also stated that there is a state law allowing a maximum of two minutes of idling per truck at any given time.

Paul Ballard of Ballard Acoustical, spoke on behalf of Home Depot. Stated he worked on the noise assessment report and directed Commissioners to review the study and analysis as it met city standards and noise level limits.

Scott Mommer of Home Depot, advised that he reviewed the traffic on site while vacant and at an existing Home Depot store and stated that the site will meet city standards.

Mike Joyce, attorney for Home Depot, expressed that Home Depot does understand the concerns of residents regarding noise and traffic; however, his client is concerned over the length of time the approval of the project is taking. He urged the Commission to move forward with the conditional use permit process, addressing issues as they come, while also moving ahead in the CEQA process. He stated that the Commission was filibustering the project.

Marice White, representative for Home Depot, reviewed all the effort that has been put forth by Home Depot regarding resident's concerns. She suggested the CUP process move forward and address any issues of concern as they arise.

Eric Brenn, representative of Hyde Park Business Center, spoke in favor of the Home Depot project. Ms. Brenn pointed out the positives of adding another Home Depot to the city and the financial benefits to the immediate area.

Harry Moore, Home Depot project Technical Engineer, stated he conducted a detailed study of the site regarding vibration and suggested approval of the project.

F. PLANNING COMMISSION COMMENTS:

Horgan requested information regarding the school pedestrian traffic study.

Livengood suggested that a new pedestrian study be conducted.

Burnett questioned the traffic study and the baseline used in the analysis.

Ray stated that he did not take the appeal of the Environmental Assessment Committee's decision on the Home Depot lightly and this is not a filibuster. He stated that suspect information in the draft had caused him to appeal the decision.

Dwyer questioned why Home Depot hasn't made suggested design modifications to their plans now and averted the many issues expressed this evening.

6:45 P.M. – RECESS FOR DINNER

7:20 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Chair Dingwall

ROLL CALL: *P P P P P P P*
Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer

AGENDA APPROVAL

A MOTION WAS MADE BY RAY, SECONDED BY DINGWALL, TO APPROVE THE PLANNING COMMISSION AGENDA OF FEBRUARY 28, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A. ORAL COMMUNICATIONS:

Ruth Johnson, resident, requested an exemption for a Conditional Use Permit regarding her home day care business due to potential financial difficulty. She advised the business has been in operation for 18 years and she has not been required to have a permit in the past.

Discussion ensued regarding the conditional use permits required for home daycare.

B. PUBLIC HEARING ITEMS

PROCEDURE: Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

B-1. GENERAL PLAN AMENDMENT NO. 05-02/ ZONING MAP AMENDMENT NO. 05-02/ ZONING TEXT AMENDMENT NO. 05-04 /MITIGATED NEGATIVE DECLARATION NO. 06-01 (EDINGER CORRIDOR SPECIFIC PLAN). **Applicant:** City of Huntington Beach. **Request:** 1) **GPA:** To amend the City's General Plan Land Use Element by changing the existing land use categories within the project area from Commercial Neighborhood (CN), Commercial General (CG), Commercial Regional (CR), Mixed Use Vertical (MV) and Public (P) to a Mixed Use – Specific Plan Overlay (M-sp) designation; and to amend the General Plan Circulation Element Figure CE-3 to change the Gothard Street designation within the project area between Edinger Avenue and Mc Fadden Street from Major Arterial (120 foot right-of-way) to Primary Arterial (90 foot right-of-way). 2) **ZMA:** To amend the City's Zoning Map by changing the Commercial Neighborhood (CN), Commercial General (CG), General Industrial (IG), Residential Medium High (RMH) Density and Residential Low Density (RL) zoning designations within the project area to "SP 14" (Edinger Corridor Specific Plan). 3) **ZTA:** To adopt SP 14 (Edinger Corridor Specific Plan) that will regulate the land uses and development standards for the 242 acre area. 4) **MND:** To adopt a Mitigated Negative Declaration that addresses the potential environmental impacts associated with the

adoption of the Specific Plan. **Location:** 242 acre site generally bounded by Goldenwest Street to the west and Beach Blvd. to the east and the north and south sides of Edinger Ave. – excluding Bella Terra). **Project Planner:** Rosemary Medel

STAFF RECOMMENDATION: Motion to: “Approve General Plan Amendment No. 05-02/Zoning Map Amendment No. 05-02/Zoning Text Amendment No. 05-04 /Mitigated Negative Declaration No. 06-01 (Edinger Corridor Specific Plan) with suggested findings and conditions of approval and forward to the City Council.”

The Commission made the following disclosures:

- Commissioner Dwyer visited the site, spoke with staff
- Commissioner Scandura is familiar with the site and spoke with Mr. Adams, Harlow, staff and Commissioner Horgan
- Commissioner Dingwall advised he has visited the site numerous times over 40 years and spoke with staff and Commissioner Livengood.
- Commissioner Livengood visited the site and spoke with staff, Mr. Adams and Mr. Harlow.
- Commissioner Horgan visited the site and spoke with Commissioners Scandura and Ray.
- Commissioner Burnett has visited the site many times over decades and spoke with staff, Mr. Adams and Harlow.
- Commissioner Ray has visited the site on numerous occasions and spoke with Commissioners Livengood, Dingwall and staff.

Ken Ryan of EDAW gave an updated presentation of the proposed project that included the following: Image of “Gateway” to the City; land use: mixed use, commercial and public; improvements on current business properties; parking access and circulation; energy conservations; density; landscape architecture; cosmetic enhancement; and a logo and signature style for the project as a whole.

Medel stated that the adoption of the Specific Plan would require a general plan amendment to change the land use map for the area to mixed use. The project would strengthen the Edinger Corridor area and compliment Bella Terra. Staff believes the ECSP is consistent with the General Plan and Economic Development and Housing Elements.

Three late communications were introduced by Medel: 1) Caltrans Impacts/Provisions letter dated February 27, 2006; 2) Memo from Stanley Smalewitz, Director of Economic Development for the City of Huntington Beach, regarding the participation of Goldenwest College in the project and a proposed Economic Action Plan; 3) Letter from Weber Consulting on behalf of Freeway Industrial Park.

Medel also mentioned the community meeting which was held on February 9, 2006, where issues were discussed including underground utilities, funding of improvements, and the participation of Golden West College in the project.

Staff recommended opening the public hearing for comments and allowing a 30-day response time for the public to comment on the draft document.

Discussion ensued regarding the following issues: Street widening; mixed use; necessity of an Environmental Impact Report; sidewalks and pedestrian traffic; involvement of Golden West College; types of residential areas; and structural height limitations.

THE PUBLIC HEARING WAS OPENED.

James Burgard, owner at Old World, expressed his views regarding mixed-use projects. He stated that it does not work well at Old World and creates excessive traffic in the area. He suggested building on to Bella Terra in lieu of mixed use within this project.

Irene Barkai, business owner at Gothard/Center, voiced her concern with regards to the reduction in size of Gothard. She stated it would reduce traffic, therefore, reducing patronage to her business. She feared that the grandfathering of her business via zoning changes would not exist in the future.

Mike Adams, resident, recommended continuing the item at least 60 days. He stated the plan doesn't include a phasing plan and would like more clarification on the zoning. He suggested creating a pool of developments for the area. He would also like more dialog between the property and business owners and the Planning Commissioners.

Steve Dodge, Huntington Executive Park, stated that the plan should not be based on a ten-year-old general plan and suggested updating the Specific Plan for the area.

Gary Weber, Freeway Industrial Park, thanked the staff and EDAW for their clarification of the project. He recommended continuing the project for another 60 days to allow for more dialog between the owners and the Commission. His primary concerns are statistical and advised of an error in the size of the area. He would like the plan to be clearer as to what is expected of the landowners and developers.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Discussion of the project ensued with Chair Dingwall recommending a continuance of no less than 60 days.

Livengood also recommended continuing the item and requested minutes from previous workshops regarding the project. He also added some areas that need to be reviewed including: Logo/identity for the area; design guidelines for loading and delivery area; refuge and storage; traffic studies; flora; and incentives for property owners.

Livengood motioned to continue the item to 90 days in the future and to schedule two public workshops and one Planning Commission workshop.

With input from the other Commissioners, Ray proposed the following items be addressed before the next meeting:

- Expansion of the plan
- Create incentives for owners with regards to: FAR; Public Improvement Funding; and more mixed use possibilities
- Discussion with Golden West College representatives regarding future development
- Consideration of energy utilization designs and native landscaping
- More clarity regarding the theme of the area (The Edge)
- Coordination with Bella Terra
- More specific uses and development standards giving better direction
- Gothard Industrial Center

- Request copies of workshop minutes from 1998-2000
- Infrastructure items as submitted by Commissioner Livengood:
- Phasing timeline for infrastructure
- Vehicular and pedestrian orientation
- Redevelopment Plan boundaries concurrence with Edinger Corridor Specific Plan
- Westminster Triangle purchase
- Reformatting development standards by land use categories as addendum

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY RAY TO CONTINUE GENERAL PLAN AMENDMENT 05-02/ZONING MAP AMENDMENT 05-02/ZONING TEXT AMENDMENT 05-04/MITIGATED NEGATIVE DECLARATION 06-01 TO JUNE 27, 2006, WITH PROPOSED AMENDMENTS BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED JANUARY 24, 2006

RECOMMENDED ACTION: Motion to: "Approve the January 24, 2006, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY HORGAN, TO APPROVE THE JANUARY 24, 2006, PLANNING COMMISSION MINUTES AS MODIFIED, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: None

D. NON-PUBLIC HEARING ITEMS – None.

E. PLANNING ITEMS

E.1. CITY COUNCIL ACTION FROM PREVIOUS MEETING

Scott Hess, Planning Manager – reported on the Planning Department items heard before the City Council on February 27, 2006

E2. CITY COUNCIL ITEMS FOR NEXT MEETING

Scott Hess, Planning Manager – reported on the Planning Department items scheduled before the City Council on March 6, 2006.

E3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

Scott Hess, Planning Manager – reported on the items scheduled for review on March 14, 2006.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – None.

F-2. PLANNING COMMISSION COMMENTS

Commissioner Burnett – None.

Commissioner Livengood - Would like information on zoning code requirements regarding home daycare facilities.

Vice-Chairperson Scandura – None.

Chairperson Dingwall – None.

Commissioner Ray – Wished Livengood a good trip to the Middle East and invited the public to visit the Shipley Nature Center on Saturdays from 9:00am-12:00pm for activities.

Commissioner Horgan – None.

Commissioner Dwyer – Asked if there are no study session items for the next meeting would there be a study session. Staff indicated that there currently are not any items scheduled.

ADJOURNMENT:

Adjourned at 10:30 p.m. to the next regularly scheduled meeting of Tuesday, March 14, 2006.

APPROVED BY:

Howard Zelefsky, Secretary

Robert Dingwall, Chair